

EXHIBIT 9



KEN PAXTON
ATTORNEY GENERAL OF TEXAS

March 4, 2019

Jack Salmon
Staff Attorney
MALDEF
110 Broadway, Suite 300
San Antonio, TX 78205

Re: *Texas, et al. v. United States, et al.*, No. 1:18-cv-00068

Dear Mr. Salmon:

I write in response to your two letters dated February 1, 2019.

First, Plaintiff States' discovery requests do not require supplementation, as there are no genuine issues of material fact that require additional development before the Court can rule on Plaintiff States' claims as a matter of law.

The requests cited in your letter seek information regarding various categories of costs incurred by Plaintiff States as a result of the Deferred Action for Childhood Arrivals ("DACA") program. Because Plaintiff States are not seeking to recover monetary damages for the harms they have suffered from DACA, Plaintiff States must merely prove *some* injury to support their standing to bring this lawsuit. *See* ECF No. 319 at 50.

As explained in Plaintiff States' brief in support of their motion for summary judgment, the Court has already ruled that Plaintiff States have suffered injuries sufficient to establish their standing. *See* ECF No. 357 at 21-30. That ruling is based on legal principles and evidence that is properly in the record and before this Court. And much of Plaintiff States' evidence is corroborated by Defendant-Intervenors' own witnesses. *See, e.g.*, ECF No. 319 at 51 ("Finally, and perhaps most importantly for this topic, Defendant-Intervenors' own witness directly connected the dots for the Plaintiff States."). As such, there are no genuine issues as to any material facts regarding Plaintiff States' standing, so additional discovery on Plaintiff States' standing is not proportional to the needs of this case and outside the scope of discovery. *See* Fed. R. Civ. P. 26(b)(1).

Defendant-Intervenors have filed a motion pursuant to Federal Rule of Civil Procedure 56(d), claiming that additional discovery is needed before the Court can rule on Plaintiff States' motion for summary judgment. ECF No. 363. Plaintiff States will file a response in opposition to that motion setting forth why the requested

Jack Salmon
March 4, 2018
Page 2

additional discovery is not needed. The parties can discuss whether supplementing discovery responses is needed should the Court rule that additional discovery is required on Plaintiff States' standing.

Second, you also reference the Court's Order excluding certain declarations from the *Texas I* litigation. *See* ECF No. 318. Consistent with my representations to you in the past, Plaintiff States do not intend to rely on those declarations at this time.

Sincerely,

Todd Lawrence Disher
Trial Counsel for Civil Litigation
Office of the Attorney General of Texas

Attorney-in-Charge for Plaintiff States